

REMARKS

The present response is to the Office Action mailed in the above-referenced case on September 05, 2006, made final. Claims 16, 18, 19 and 21 are presented for examination. The Examiner has rejected claims 16 and 19 under 35 U.S.C. 112, first paragraph. The specification is objected to as failing to provide proper antecedent basis. Claims 16, 18, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wicks et al. (USPN 5,796,394) hereinafter Wicks in view of Boyer et al. (US 6,401,112 B1) hereinafter Boyer and further in view of McHann, Jr., (US 5,991,806) hereinafter McHann.

Applicant herein provides detailed arguments clearly showing where the references provided by the Examiner fail to teach or suggest all of the limitations as claimed in applicant's invention. Applicant also amends claims 16 and 19 in order to overcome the 112 rejection. The specification is also corrected as suggested by the Examiner.

Applicant addresses the Examiner's "Response to Arguments" portion of the present Office Action. The Examiner states:

"12. Applicant argues - "Boyer fails to teach that the portable device receives email via a wireless device remote from the user's computer and displays the text to the user." "Applicant argues that McHann fails to teach upon disconnection of the portable from the user computer the wireless transmission facility is instructed by code sent from the user computer to transmit the emails directly to the portable device."

b. Neither assertion addresses the rejection made by the Examiner. The combination of Wicks-Boys-McHann in combination taught "the portable device receives email via a wireless device remote from the user's computer and displays the text to the user".

c. In response to applicant's arguments against the references individually, one cannot show non-obviousness by attacking references individually where the

rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986)."

Applicant argues that the Examiner states that the individual pieces of art teach specific portions of applicant's claimed invention. Applicant is merely pointing out that the individual art, actually, fails to teach the portions of applicant's claimed invention. If the Examiner presents pieces of art individually, applicant must argue the pieces of art individually. The "*In re Keller*" decision is blatantly overused by Examiners because it seems to say something it does not mean. If a piece of art used in a combination does not teach what the Examiner alleges it does teach, THEN THE COMBINATION IS FAULTY. The limitations of the claim must be shown to be obvious BY THE ART.

Specifically, the Examiner states; "Wicks does not specifically teach upon disconnection of the portable device from the user computer a server is instructed by code sent from the user computer. However, McHann taught upon disconnection of the portable device from the user computer a server is instructed by code sent from the user computer (column 14, lines 54-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating McHann's undocking code in Wick's personal communications routing system would have improved system robustness. The motivation would have been to provide more efficient management of system resources by releasing system resources when the portable device becomes undocked.

Applicant respectfully disagrees with the Examiner's interpretation of the docking station of McHann reading on the user computer sending code to a server upon disconnection of the mobile device. Applicant argues that the "docking station" of McHann is not a computer capable of generating code. McHann specifically teaches that; "The device-docking applet 1200 is typically a routine or applet operating in conjunction with an operating system such as a Windows NT or Windows 95 operating system which is activated when a device such as a mobile or portable computer is connected to a

network docking station (not shown). In the illustrative embodiment, the device-docking applet 1200 is described as two interdependent applets, one executing on a server and the second executing on the mobile computer that is connected to the server by a docking station. A suitable docking station is formed using a conventional "dumb" docking station and including a network interface, such as the network interface card 306 shown in FIG. 3." (col. 13, lines 28-44) McHann further teaches that; "The event of a Physical-Undocking operation 1240 causes an undocking event signal to be generated by the docking station and sent to the device-docking applet 1200 executing in the server. The device-docking applet 1200 executing in the server exits the executing network applications and closes the open network application files pending reconnection of the mobile computer to the docking station in an Interrupt-Network-Processing step 1241. The disconnection also generates an undocking signal that is detected by the mobile computer in a Detect-Physical Undocking step 1242." (col. 14, lines 55-66)

Applicant argues that a "signal" that a hardware device is disconnected, sent from a docking station to a server and a mobile computer, as taught in McHann, cannot read on applicant's claimed limitation of; "...upon disconnection of the portable device from the user computer the server is instructed by code sent from the user computer to transmit the emails directly to the portable device via the wireless transmission facility."

Applicant believes the Examiner is considerably stretching the teaching of McHann to read on applicant's limitation when stating that McHann teaches; "upon disconnection of the portable device from the user computer a server is instructed by code sent from the user computer (column 14, lines 54-64)."

Applicant argues that the Examiner has still failed to provide valid analogous art teaching applicant's claimed ability of receiving emails at the user's computer when the portable device is docked and redirecting emails to the user's portable device via a wireless transmission device when the device is not connected, as claimed.

Applicant's invention teaches and claims that the computer is the default receiving device when the portable playback device is connected. When disconnected, the computer instructs the server to send the email directly to the portable playback device.

Applicant argues that the combined art of Wicks, Boyer and McHann fail to teach applicant's invention, as claimed, and the 103 rejection fails. Claims 16 and 19, as amended, are clearly patentable over the art as argued above. Claims 18 and 21 are patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims standing for examination have been shown to be patentable over the art of record, applicant respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully submitted,
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